IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.297 OF 2007
IN
INCOME TAX APPEAL (L) NO.2774 OF 2006

The Commissioner of Income Tax-2. ..Appellant.
Vs.
M/s. Surekha Holdings Pvt. Ltd. ..Respondent.

Mrs.P.P.Bhosale for the Appellant.

CORAM : F.I. REBELLO & R.S. MOHITE, JJ.
DATED : 3RD DECEMBER,2007.

PC :

1. This is a Notice of Motion for condoning delay of 736 days in filing the aforesaid income tax appeal. On perusal of the affidavit in support of the Notice of motion, it is seen that CCIT -2 granted approval for filing the appeal on 2.11.2004 and thereafter, the papers were sent to the Advocate for drafting the appeal memo. The draft was received from the Advocate on 27.10.2006. In our view, the delay caused during the period from 2.11.2004 to 27.10.2006 is not properly explained. The cause shown is therefore, not sufficient cause. Hence, Notice of motion is dismissed.

(R.S. MOHITE, J.) **(F.I. REBELLO, J.)**

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1. As the Notice of motion for condonation of delay has been dismissed, appeal also stands dismissed. Refund of court fee as per rules. Certified copy expedited.

(R.S. MOHITE, J.) **(F.I. REBELLO, J.)**